

Appl. No. : 10/748,869
Filed : December 30, 2003

REMARKS

In response to the Final Office Action mailed January 10, 2006, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Rejections based on 35 U.S.C. 112, second paragraph

Applicant has removed the previously added to limitation regarding the "scalloped bone apposition surface."

Double Patenting Rejections

Claims 12-17 and 30-34 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-5 of USPN 6,769,913. Applicant respectfully disagrees with this rejection. However, as explained below, these claims have been amended. Accordingly, Applicant respectfully submits that the double patenting rejection is no longer applicable.

Rejections based on prior art

Claims 1, 2, 4-11 and 28-29 stand rejected under 35 U.S.C. 103(a) as anticipated by Hurson (WO 01/85050) in view of Wohrle (6,174,167). Claims 2 and 3 are rejected as being obvious over Hurson in view of Wohrle and further in view of Kamiya et al (USPN 5,205,745). Claims 18-27 and 35 stand rejected as being obvious over Hurson in view of Wohrle and further in view of Marlin (USPN 5,135,395). Applicant respectfully disagrees with the rejection of these claims. Nevertheless, as outlined below, Applicant has amended the pending claims. Applicant reserves the right to pursue Claims 1-35 in their previous or similar form in a continuing application.

As amended, Claim 1 recites, in part, a dental implant system comprising a dental implant with an abutment portion in which "the dental implant further including a bore that extends generally along the longitudinal axis of the dental implant from a top surface of the abutment portion, the bore including an notch configured to releasably receive prongs on a mating component."

As amended Claim 28, recites, in part, "engaging a lever arm or prong of a mating component to the notch in the internal bore to releaseably couple a mating component to the dental implant."

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The cited art does not (alone or in combination) disclose a dental implant or a method of installing a prosthetic tooth with the above-noted limitations. For at least this reason, Applicant submits that Claims 1 and 28 are in condition for allowance. Claims 3-11, 18-27 and 29-35 depend upon Claims 1 and 28 respectively and, for at least this reason, these claims are also in condition for allowance. Claims 2 and 12-17 have been canceled without prejudice.

Request for Continued Examination

This Amendment is being filed with a Request for Continued Examination.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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